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ENVIRONMENTAL LAW

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COUNTY REJECTS SANTA BARBARA RANCH PROJECT MOU REVISIONS

Santa Barbara, CA – On March 3, 2009, the Santa Barbara County Board of Supervisors revisited a controversial proposal to develop more than 70 estates at Naples on the Gaviota Coast; by voting to reject an amendment to the Santa Barbara Ranch project Memorandum of Understanding (MOU), the Board sent a clear signal that 2008 project approvals may not be set in stone.

The March 3 hearing was scheduled to address Brown Act violations alleged to have occurred in an October 2008 closed session decision. In October, the Board had voted in closed session to amend a 2002 MOU between the County and the Santa Barbara Ranch project applicants. The MOU amendment allowed for sequenced processing of the project's inland and coastal portions, and the amended MOU was referenced extensively in the Board's later approval of the Santa Barbara Ranch project. The Environmental Defense Center (EDC), Surfrider Foundation and the Naples Coalition argued, at the time, that the closed session decision was a clear violation of the state's Brown Act open government laws.

In February 2009, the new Board of Supervisors accepted culpability for the October action and voted to cure the alleged Brown Act violations. A legal effect of this decision was to rescind the 2008 amendment to the Santa Barbara Ranch MOU. The Board then scheduled a re-hearing for March 3 on whether to adopt the proposed amendment in an open public session.

The MOU amendment would have allowed development on Santa Barbara and the adjoining Dos Pueblos Ranches north of Highway 101 to proceed before final approvals for the entire project had been granted by the California Coastal Commission. After considering the many reasons why it is important to keep the proposed project whole, the Board voted 3-1-1 to reject the MOU amendment. The motion to reject the MOU revisions was made by 3rd District Supervisor Doreen Farr; 4th District Supervisor Joni Gray abstained from the vote. According to County Counsel, the pre-amended 2002 MOU governing Santa Barbara Ranch is now in effect.

The Board's actions have triggered several reactions from the Santa Barbara Ranch applicants, including an initial decision to terminate the MOU entirely and to reject approvals for

development south of Highway 101. According to the applicant, this would result in more intense development on the coastal bluff. Meanwhile, the applicant intends to barrel ahead with development of the inland project. On March 3, however, County Counsel indicated that these reactions are not permissible. EDC, Surfrider and the Naples Coalition have pointed out that all of the project approvals were contingent on a purported “global resolution” of the land use issues at Naples. If the applicants follow through with their threats, it will unravel any resolution that has been achieved to date.

“The applicant wants to have his cake and eat it, too,” said Phil McKenna, President of the Naples Coalition. “He has terminated his agreement with the County and rejected the Board’s approvals. That means the project is dead. He cannot pick and choose just parts of a project that was reviewed and approved as a package deal.”

The Board acknowledged that rejecting the MOU amendment was only the first step in a long and complex process. A second hearing has been scheduled for May, and at that time the project applicants are expected to explain exactly how they plan to proceed through County and Coastal Commission review processes.

Sandy Lejune, Chair of the Santa Barbara Chapter of the Surfrider Foundation, was pleased with the Board’s course of action. “Not only was it inappropriate to make important planning decisions in closed session back in October, but the MOU amendment should never have been accepted,” he said. “I am happy to see that the County is now willing to give this project the scrutiny that it deserves.”

“All along, everyone has been saying that it is important to approach planning at Naples in a comprehensive and orderly manner,” said Brian Trautwein of the EDC. “Today, the Board lived up to the spirit of that idea.”

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The Environmental Defense Center protects and enhances the local environment through education, advocacy, and legal action and works primarily within Santa Barbara, Ventura and San Luis Obispo counties. Since 1977, EDC has empowered community based organizations to advance environmental protection. Program areas include protecting coast and ocean resources, open spaces and wildlife, and human and environmental health.

The Naples Coalition is a Santa Barbara County, CA-based association of local non-profit groups including the Gaviota Coast Conservancy, Los Padres Chapter of the Sierra Club, Santa Barbara Chapter of Surfrider Foundation, Santa Barbara Chapter of the Audubon Society, Citizens Planning Association of Santa Barbara County, Santa Barbara County Action Network, and the League of Women Voters of Santa Barbara.

The Naples Coalition is dedicated to the preservation of the rural character of the Naples property on the Gaviota coast. The Naples Coalition seeks to preserve the rural character of the Naples area from this development’s impacts.

Surfrider Foundation is a nonprofit environmental organization dedicated to the protection and enjoyment of the oceans, waves and beaches for all people, through conservation, activism, research and education. The Santa Barbara Chapter of the Surfrider Foundation was founded in 1990 to protect local beaches, coastal areas, and water quality.